



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/087,633
Applicants : Tatsuya YANO et al.
Filed : March 1, 2002
For : COMPOUNDS HAVING
ANTIFUNGAL ACTIVITY

Art Unit : 1651
Examiner : Susan Marie HANLEY
Docket No. : 02012CIP/HG
Confirmation No. : 3745
Customer No. : 01933

DECLARATION OF MICROORGANISM DEPOSIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

The undersigned duly authorized official of Sankyo Company, Limited, a corporation organized under the laws of Japan, and having its office in Tokyo, Japan, the Assignee of the entire interest of the above-identified application by virtue of an Assignment recorded on April 15, 2002 in the United States Patent and Trademark Office on Reel 012843, Frame 0919, declares that:

Strain *Phoma* sp. SANK 13899 was identified in the above-identified application as being deposited under number FERM BP-6851 (hereinafter referred to as the "deposited material") at the Agency of Industrial Science and Technology, Ministry of International Trade and Industry, located at 1-3 Higashi 1-chome, Ibaraki-ken, Japan (International Patent Organism Depository,

National Institute of Advanced Industrial Science and Technology, located at AIST Tsukuba Central 6,1-1, Higashi 1-Chome, Tsukubashi, Ibaraki-ken, Japan), which is an international depository authority and which affords permanence of deposit and ready accessibility thereto by the public if a United States patent is granted.

(a) Said deposited material was made under the terms of the Budapest Treaty;

(b) Restrictions, if any, on the availability to the public of the deposited material will be irrevocably removed upon the granting of a United States patent.

The undersigned declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sankyo Company, Limited

Date: March 9, 2004

By: 

Name: Yukio Sugimura

Executive Vice-President
and Representative Director

Corporate Title: _____